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13 ROWLAND MARCUS ANDRADE

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,

Case No. 3:20-CR-00249-RS-LBx

18 Plaintiffs,

**DEFENDANT ROWLAND MARCUS**

19 v.

**ANDRADE'S RESPONSE TO THE**

20 ROWLAND MARCUS ANDRADE,

**COURT'S QUESTIONS ABOUT**

21 Defendants.

**REDACTED MATERIAL SUPPORTING**  
**MOTION TO COMPEL AND ABOUT**  
**ADDITIONAL BRIEFING, AND REQUEST**  
**FOR HEARING**

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1           Defendant Marcus Andrade submits this response to the Court's questions, raised at the  
 2 discovery hearing on February 9, 2023, about (1) whether the defendant should consider  
 3 unsealing portions of the declaration filed in support of his motion to compel to help the  
 4 government understand the relevance of his pending discovery request for materials relating to  
 5 Erickson, Butina, and Levin, and (2) whether the defendant would like to file an additional brief  
 6 in light of the production of new material after his brief in support of his motion to compel was  
 7 filed on November 23, 2022.

8           I.       **DISCLOSURES OF EVIDENCE SUPPORTING DEFENDANT'S REQUEST FOR**  
 9           **MATERIALS RELATING TO ERICKSON, BUTINA, AND LEVIN**

10           In response to the government's statement that it could not understand the relevance of  
 11 Maria Butina, Paul Erickson and Alexander Levin to Mr. Andrade's case because Mr. Andrade's  
 12 brief in support of his motion to compel, and Ms. Dent's supporting declaration, were redacted,  
 13 the Court queried whether the Defendant should consider unsealing portions of the declaration.  
 14 The defense has done so and determined that it has nothing more to share with the government  
 15 because it already has provided the government with all of the evidence it relies on to support its  
 16 request for materials relevant to Butina, Erickson, and Levin. Because of the importance of these  
 17 materials to Mr. Andrade's defense, every document important to the argument he made to the  
 18 court about the relevance to this case of Butina, Erickson and Levin was identified for the  
 19 government and discussed with the prosecutors multiple times, in meet-and-confer sessions with  
 20 the government before and after his motion was filed, as well as in the joint letter to the court  
 21 dated February 3, 2023.<sup>1</sup>

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27           <sup>1</sup> Defense counsel discussed with the government the evidence supporting requests for materials relating to Butina,  
 28 Erickson, and Levin: during an October 1 meet and confer; in an October 14 letter; at this Court's December 22  
 hearing; and in a January 2023 meet-and-confer.

1 Thus, the documents necessary to understand the pending set of discovery requests are all  
 2 currently known to, and possessed by (and were in fact produced by), the government:

- 3 ➤ **Exhibit 11**, a 302 produced by the government, which is a partial review of  
 4 evidence from one of Abramoff's cell phones, establishes that Levin  
 5 communicated with Abramoff frequently during the relevant timeframe, that  
 6 Abramoff introduced Levin to AML Bitcoin, and that Levin's payments to  
 7 Abramoff for his consulting services were paid into the same Landfair Capital  
 account controlled by Abramoff, funded in part by Erickson, and used for AML  
 8 Bitcoin's transactions and purchases of its tokens.
- 9 ➤ **Exhibit 21**, a recording produced by the government, reflects that FBI agents  
 seized documents relating to AML Bitcoin from Butina's home in an August 2018  
 10 search.
- 11 ➤ **Exhibit 34**, a summary of Abramoff's proffer interview which, among other  
 12 things, indicates the AML Bitcoin-related television show under production by  
 Abramoff involved Levin in its funding and planning stages.

13 Lastly, after the December 22 hearing, the government produced the AML Bitcoin  
 14 documents that agents found in Butina's home, which the government advised included  
 15 extensive notes in Erickson's handwriting, which (together with other evidence) show, among  
 16 other things, Erickson's abiding attention to AML Bitcoin, his recognition of the value of its  
 17 patented biometric identification verification technology, and his plan to meet with Abramoff  
 18 about it behind Mr. Andrade's back. This exhibit, too, was discussed at length with the  
 19 government after it was produced (including a reading and explanation of the important  
 20 passages), and before the February 9, 2023 hearing, the defense filed an Administrative Motion  
 21 to include this exhibit in the record, under seal, as **Exhibit 44**.

22 As a result, there are no secrets from the government concerning the request currently  
 23 before the Court.

24 **II. ADDITIONAL BRIEFING AND A HEARING**

25 Mr. Andrade appreciates the Court's willingness to review the declaration in support of  
 26 his motion to compel, but as noted in the hearing on February 9, his argument has become  
 27 stronger in light of the government's production of the Butina documents on January 4, 2023

1 (after 10 months of its insistence that it was irrelevant and was simply an example of Mr.  
2 Andrade's requesting discovery based only on conspiracy theories). Mr. Andrade would like to  
3 address the new material, as well as other concerns raised by the Court at the conclusion of the  
4 hearing. He therefore accepts the court's offer of filing an additional brief, and he is meeting and  
5 conferring with the government on a briefing schedule to propose to the court. The schedule will  
6 include a proposed hearing date, and Mr. Andrade asks if the court will allow an hour for  
7 argument on Mr. Andrade's request for evidence that is essential to the preparation of his  
8 defense.

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RESPECTFULLY SUBMITTED,

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DATED: February 15, 2023

KING &amp; SPALDING LLP

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By: /s/ Michael J. Shepard  
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